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Arizona Corporation Commis

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Court S. Rich # 021290
ROSE LAW GROUP pc
7272 E. Indian School Road Suite 360
Scottsdale, Arizona 85251
(480) 505-3900

DOCKETED BY	RS
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Attorneys for Intervenors Langley Properties, Robson Communities, Pulte Home Corporation, et al.

**THE ARIZONA POWER PLANT AND TRANSMISION LINE
SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION)
OFSALT RIVER PROJECT)
AGRICULTURAL IMPROVEMENT AND)
POWER DISTRICT ON BEHALF OF)
ITSELF AND ARIZONA PUBLIC)
SERVICE COMPANY, SANTA CRUZ)
WATER AND POWER DISTRICTS)
ASSOCIATION, SOUTHWEST)
TRANSMISSION COOPERATIVE, INC.)
AND TUCSON ELECTRIC POWER IN)
CONFORMANCE WITH THE)
REQUIREMENTS OF ARIZONA)
REVISED STATUTES SECTION 40-360,)
et. seq., FOR A CERTIFICATE OF)
ENVIRONMENTAL COMPATIBILITY)
AUTHORIZING CONSTRUCTION OF)
THE PINAL WEST TO SOUTHEAST)
VALLEY/BROWNING PROJECT)
INCLUDING THE CONSTRUCTION OF)
TRANSMISSION LINES FROM PINAL)
WEST TO THE BROWNING)
SUBSTATION AND OTHER)
INTERCONNECTION COMPONENTS IN)
PINAL AND MARICOPA COUNTIES,)
ARIZONA.)

Docket NO. L-00000B-04-0126

Case No. 126

**NOTICE OF FILING OF ADDITIONAL
WITNESSES AND EXHIBTS: AREA C**

RECEIVED
2005 MAR -4 P 3:30
AZ CORP COMMISSION
DOCUMENT CONTROL

Intervenors, Langley Properties, LLC, Pulte Home Corporation, Inc., Robson Communities, LLC, et al, hereby file their List of Additional Witnesses and Exhibits for Area C of

1 the Hearing recommencing on March 9, 2005. The following additional witnesses may be called
2 depending upon their availability at the time of the Hearing:

3 **1. Donald L. Meyers:** President of Managing Member of Aspen Farms, LLC

4 Mr. Meyers is a member of the State Bar of Arizona and is the president of the Managing
5 Member of Aspen Farms, LLC. Mr. Meyers is expected to testify concerning Aspen Farms'
6 property located at the southeast and southwest corners of Valley Farms Road and Arizona Farms
7 Road. This approximately 1,200 acre parcel is currently under contract with Centex Homes and
8 being planned for construction of approximately 4,300 residential dwelling units. The property is
9 being annexed into Florence and Centex plans to begin actual construction of homes in the near
10 future. Mr. Meyers will testify concerning his preference for the preferred alignment to the north of
11 Highway 287 and is expected to explain how this alignment is the best not only for his parcel but for
12 the future of Florence.

13 **2. Doug Oberg:** Vice President in charge of Engineering, Aspen Farms, LLC.

14 Mr. Oberg is the Vice President of Aspen Farms in charge of engineering and is expected to
15 testify to the same facts, occurrences, and opinions as noted for Mr. Meyers above.
16

17 **3. A representative from Centex Homes**

18 Centex Homes is one of the largest homebuilders in the world and a representative will be
19 appearing to testify regarding Centex's plans for the Aspen Farms property. The Centex
20 representative is expected to testify concerning the number of homes to be built on the property and
21 the speed with which those homes will be built. The Centex representative is further expected to
22 testify regarding the characteristics of the Florence area in which this project is planned and the
23 affect that the eastern alignment would have on this project.
24

25 **4. Dwayne Dobson:** Landowner and developer

1 Mr. Dobson is the owner of approximately 1,900 acres of property located to the northwest
2 of the intersection of Felix and Arizona Farms Roads. The northern portion of the Eastern
3 Alignment is proposed to follow the CAP canal through Mr. Dobson's property. Mr. Dobson is
4 expected to testify concerning the impact the northern portion of the Eastern Alignment would have
5 not only on his own property but on the future development of the Town of Florence.

6 EXHIBITS

7 The Exhibits attached hereto will be submitted as part of Intervenor's direct case in Area C.

- 8 1. Exhibit A is an overhead view of the City of Phoenix with a red line imposed
9 approximately two miles from the heart of downtown. Both the Eastern Alignment to
10 the immediate west of Florence, and the Preferred and Alternatives Alignments to the
11 west of Coolidge pass within approximately two miles of the heart of these
12 communities. The line depicted on this Exhibit is to show where such a line would pass
13 if sited in relation to downtown Phoenix and to show the impact it would have on the
14 City.
15
- 16 2. Exhibit B is an overhead view of the City of Mesa with a red line imposed
17 approximately two miles from the heart of downtown. Both the Eastern Alignment to
18 the immediate west of Florence, and the Preferred and Alternatives Alignments to the
19 west of Coolidge pass within approximately two miles of the heart of these
20 communities. The line depicted on this Exhibit is to show where such a line would pass
21 if sited in relation to downtown Mesa and to show the impact it would have on the City.
22
- 23 3. Exhibit C is an overhead view of the City of Scottsdale with a red line imposed
24 approximately two miles from the heart of downtown. Both the Eastern Alignment to
25 the immediate west of Florence, and the Preferred and Alternatives Alignments to the

1 west of Coolidge pass within approximately two miles of the heart of these
2 communities. The line depicted on this Exhibit is to show where such a line would pass
3 if sited in relation to downtown Scottsdale and to show the impact it would have on the
4 City.

5 4. Exhibit D is the bubble plan depicting Centex Homes' plans for the development of the
6 Aspen Farms Property that would be bisected by the northern portion of the Eastern
7 Alignment.

8 5. Exhibit E is the Conceptual Land use plan for the Mesquite Trails project located at the
9 southwest corner of Heritage and Valley Farms Roads. Mesquite Trails is currently
10 being annexed into the Town of Florence and is concurrently being planned for
11 development with plans to break ground in early 2006.

12 6. Exhibit F is a copy of Pinal County zoning case number PZ-003-04 wherein Mesquite
13 Trails gained approval of the Pinal County Board of Supervisors for a Master Planned
14 Community with 2,178 lots.

15 7. Exhibit G is a letter from Pinal County Staffer, Dennis Rittenback confirming the terms
16 of the Development Agreement covering the Aspen Farms property for development of
17 2,155 lots. The northern portion of the Eastern Alignment would bisect this approved
18 development.
19

20 DATED this ^{4th} day of March 2005.

21 ROSE LAW GROUP pc

22 

23 Court S. Rich, #021290
24 7272 E. Indian School Road Suite 360
25 Scottsdale, Arizona 85251
Attorneys for Intervenors

1 Pursuant to A.A.C. R14-3-204,
2 The ORIGINAL and 25 copies were
3 filed this 4th day of March, 2005,
with:

4 Docket Control
5 Arizona Corporation Commission
6 1200 W. Washington
7 Phoenix AZ 85007

8 COPY of the foregoing emailed this
9 4th day of March, 2005, to:

10 Diane Targovnik, Esq. E-mail: dtargovnik@cc.state.az.us
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix AZ 85007

14 Ernest G. Johnson, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, AZ 85007

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24 Phoenix AZ 85072-0221

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Phoenix AZ 85067

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City Attorney
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Casa Grande AZ 85222

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16 Phoenix AZ 85004

17 George J. Chasse, General Partner & Limited Partner
CASA GRANDE MOUNTAIN LIMITED PARTNERSHIP
18 5740 East Via Los Ranchos
Paradise Valley, AZ 85253

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22 Tucson AZ 8571

23 Karrin Kunasek Taylor, Esq. E-mail: karrint@biskindlaw.com
William Edward Lally, Esq. E-mail: williaml@biskindlaw.com
24 BISKIND HUNT & TAYLOR, P.L.C.
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25 Phoenix, AZ 85028

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4 P.O. Box 2670
5 Florence AZ 85232

6 James J. Heiler, Esq. E-mail: jjheiler@aol.com
7 APCO Worldwide
8 5800 Kiva Lane
9 Scottsdale AZ 85253
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EXHIBIT A

County Parcels

PHOENIX

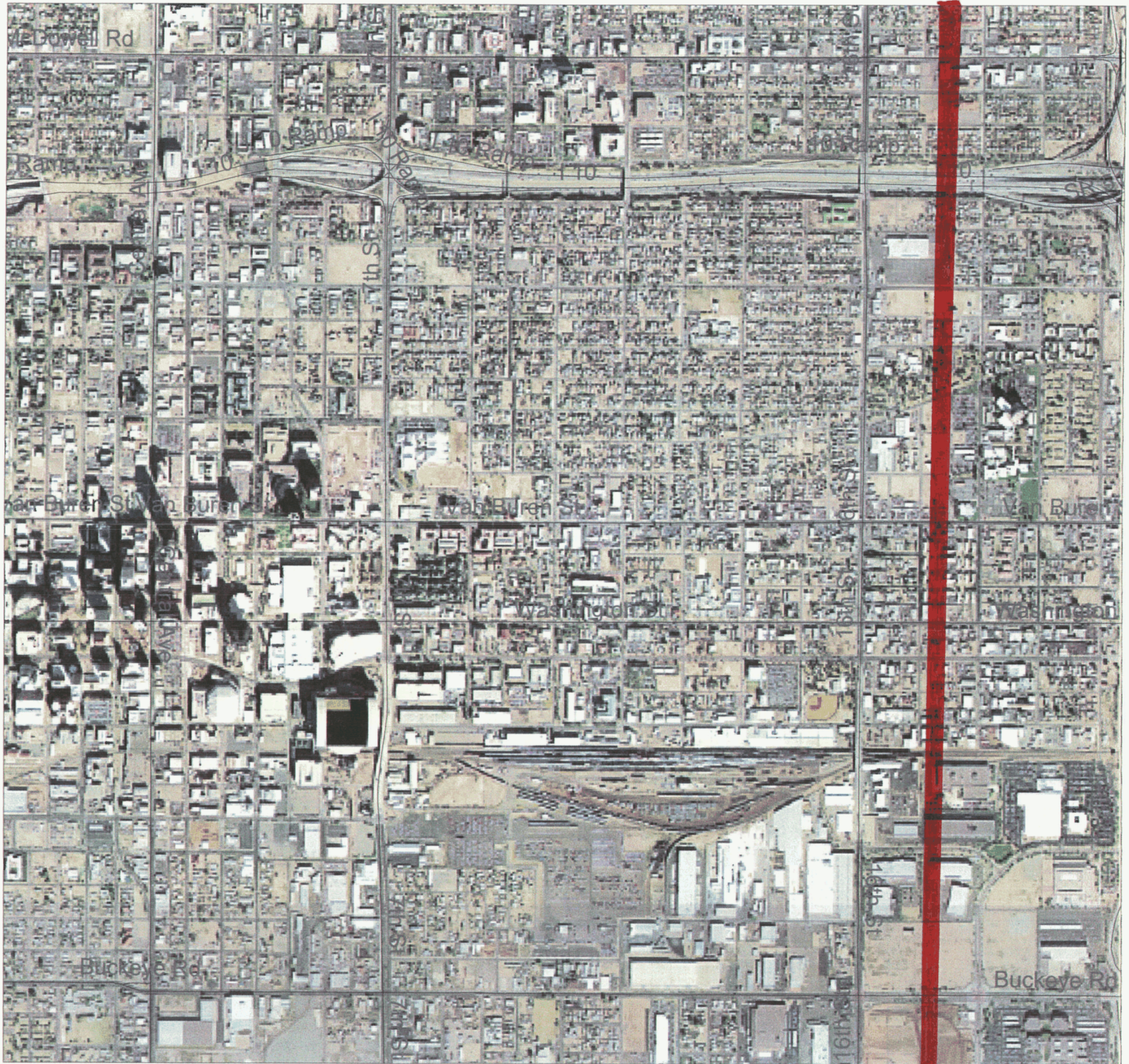


EXHIBIT B

County Parcels

MESA

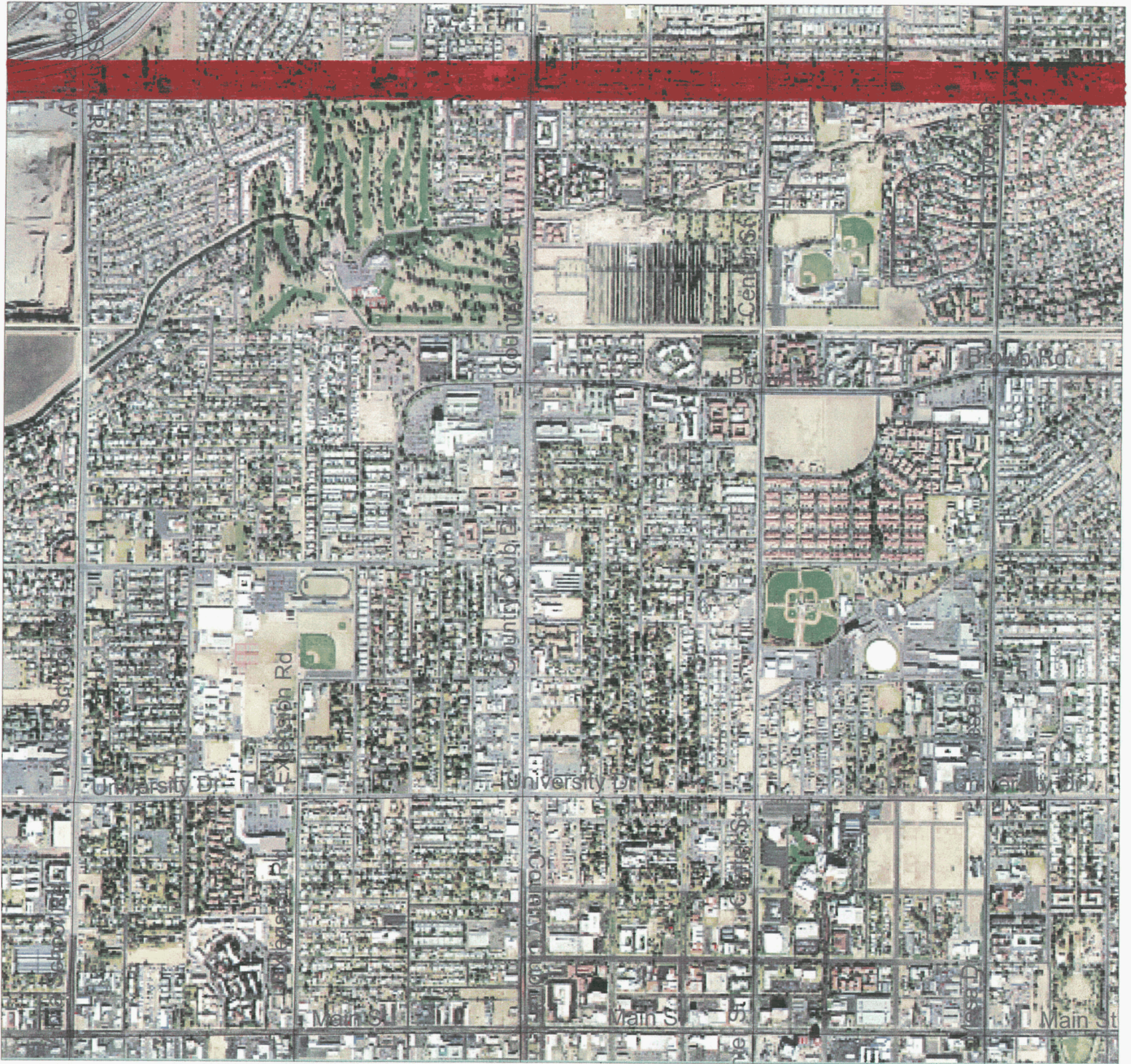


EXHIBIT C

Scottsdale

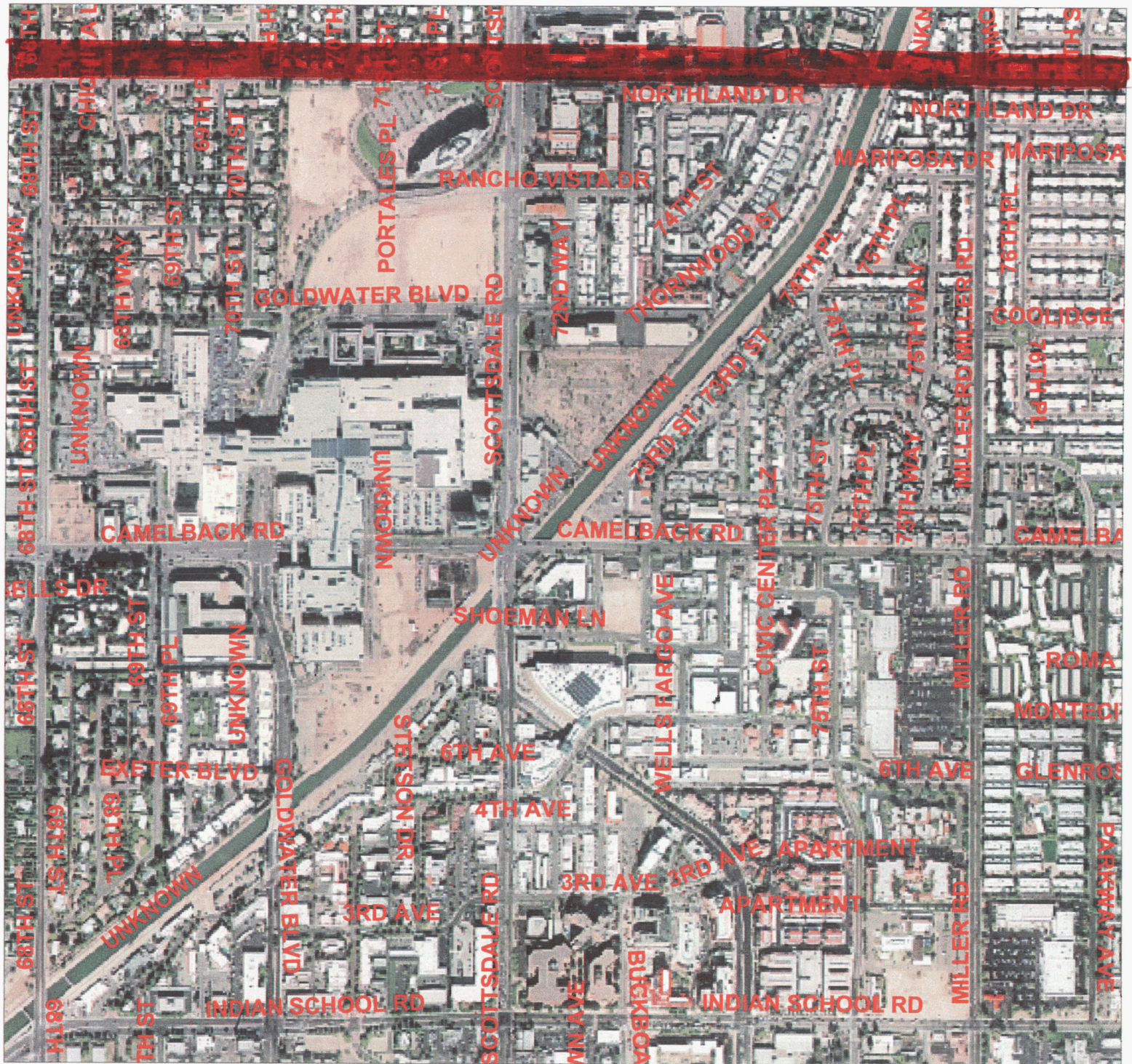


EXHIBIT D

ASPEN FARMS
CONCEPTUAL LAND USE PLAN
VERSION A
CENTEX HOMES

DATE: FEB. 14, 2005
SCALE: 1" = 300'



SITE DATA:

GROSS AREA	± 1200.0 AC.
CAP. R.O.W.	± 34.5 AC.
ADJUSTED GROSS AREA	± 1165.5 AC.
COMMERCIAL USE	31.0 AC.
HIGH DENSITY RESIDENTIAL USE	20.0 AC.
ARTISANAL R.O.W.	± 28.0 AC.
GROSS MED LOW RESIDENTIAL AREA	± 1080.5 AC.

GROSS MED/LOW RESIDENTIAL AREA
SCHOOL SITE

$$\begin{array}{r} + 76.5 \text{ AC.} \\ 17.5 \text{ AC.} \\ + 1.6 \text{ AC.} \\ \hline + 95.6 \text{ AC.} \end{array}$$

LANDSCAPE TREES	153.6 AC.
TOTAL OPEN SPACE	\$41.8 AC.
COLLECTOR T.O.W.	\$70.1 AC.
NET MIDDLE RESIDENTIAL AZEVA	3742 DU
TOTAL YIELD	346 DU/AC
GROSS MIDDLE RES. DENSITY	4.90 DU/AC
NET MIDDLE RES. DENSITY	

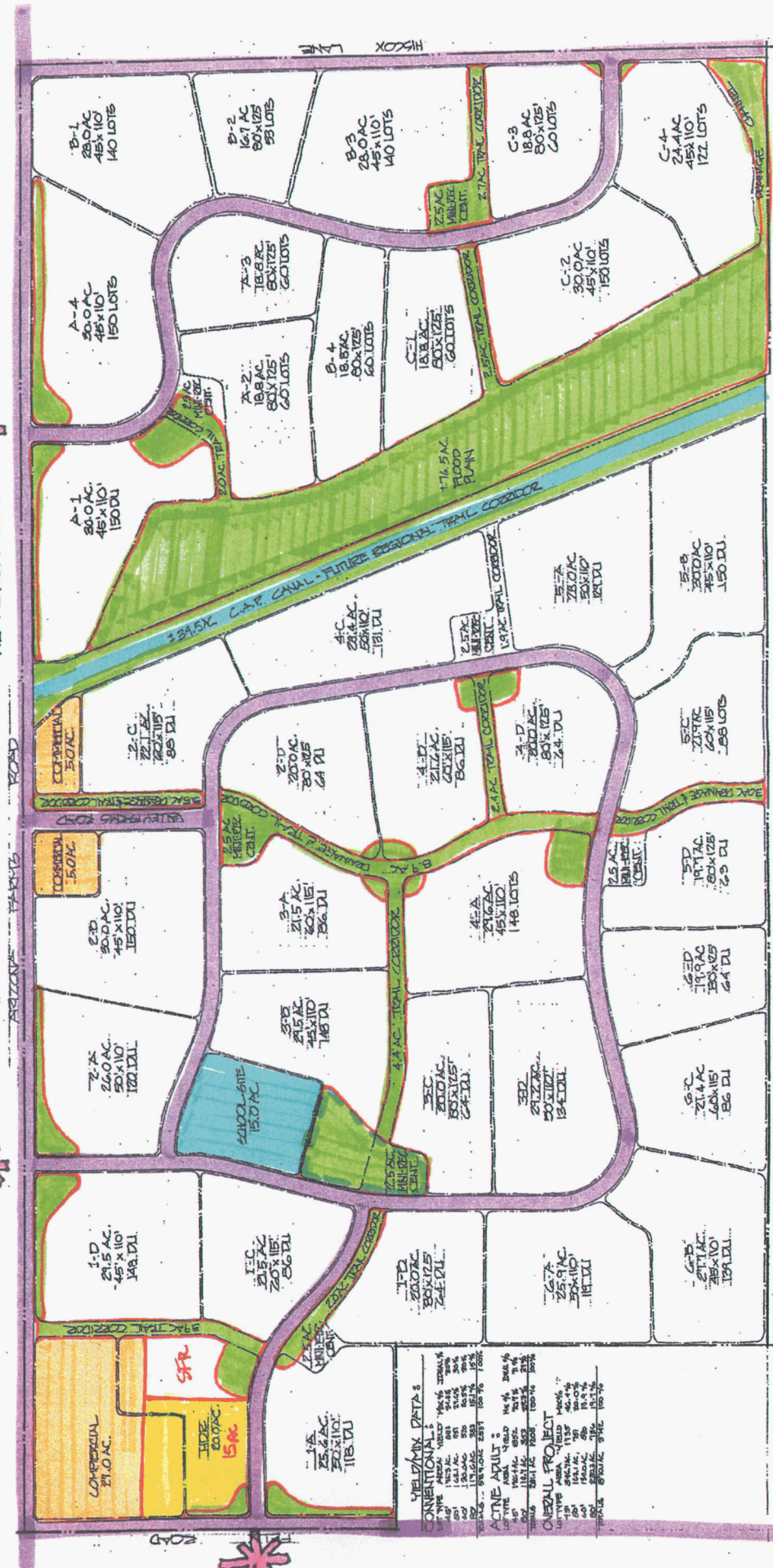


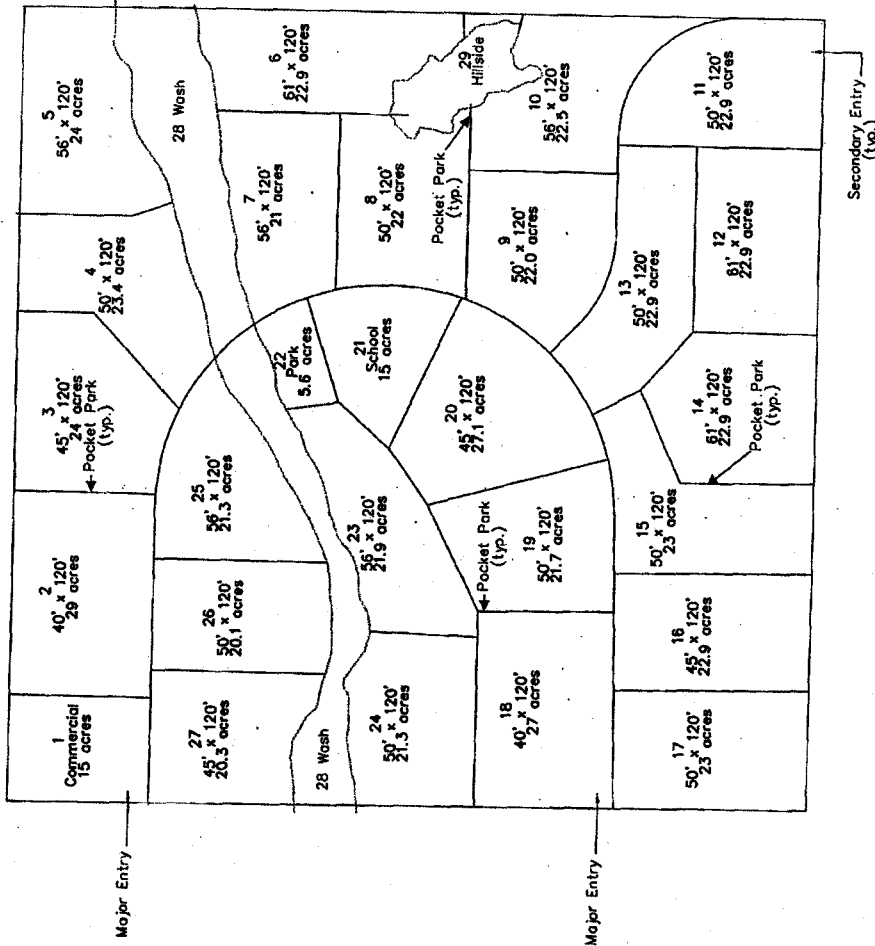
EXHIBIT E

Mesquite Grove

Conceptual Land Use Exhibit Option B

Prepared For:
Mesquite Grove LLC
6140 South Kings Ranch Road
Phoenix, AZ 85218
Phone: 480-883-5707
Fax: 480-883-5601
Contact: Harold Christ

Prepared By:
Arizona Land Design
5202 East Oakhurst Way
Scottsdale, Arizona 85254
Phone: 480.951.6410
Fax: 480.315.8688
Contact: Christine Taratassi, R.L.A.



LAND USE SITE DATA					
Parcel	Proposed Use	Lot Size (Acres)	Density	Count	Area
1	Commercial	15' x 120'	1.0	1	15.0
2	Single-Family	56' x 120'	2.0	2	21.0
3	Single-Family	56' x 120'	2.0	2	21.0
4	Single-Family	56' x 120'	2.0	2	21.0
5	Single-Family	56' x 120'	2.0	2	21.0
6	Single-Family	56' x 120'	2.0	2	21.0
7	Single-Family	56' x 120'	2.0	2	21.0
8	Single-Family	56' x 120'	2.0	2	21.0
9	Single-Family	56' x 120'	2.0	2	21.0
10	Single-Family	56' x 120'	2.0	2	21.0
11	Single-Family	56' x 120'	2.0	2	21.0
12	Single-Family	50' x 120'	1.5	2	15.0
13	Single-Family	50' x 120'	1.5	2	15.0
14	Single-Family	50' x 120'	1.5	2	15.0
15	School	15' x 120'	1.0	1	15.0
16	Single-Family	50' x 120'	1.5	2	15.0
17	Single-Family	50' x 120'	1.5	2	15.0
18	Single-Family	50' x 120'	1.5	2	15.0
19	Pocket Park (typ.)				
20	Single-Family	45' x 120'	1.5	2	15.0
21	School	15' x 120'	1.0	1	15.0
22	Pocket Park (typ.)				
23	Single-Family	50' x 120'	1.5	2	15.0
24	Single-Family	50' x 120'	1.5	2	15.0
25	Single-Family	50' x 120'	1.5	2	15.0
26	Single-Family	50' x 120'	1.5	2	15.0
27	Single-Family	50' x 120'	1.5	2	15.0
28	Wash				
29	Hillside				
Subtotal					422.2
Total (excluding commercial)					3.9
Total					2178

Note: A minimum of 15% open space will be provided. Open space includes improved park area, unimproved natural washes, retention/detention areas, landscape trocits along roadways, and hillside areas.



7740 N. 16TH ST. STE.100
PHOENIX, AZ 85020
PH (602) 567-1900
FAX (602) 567-1901
WWW.CMXINC.COM

MESQUITE GROVES
FLIX ROAD
PINAL COUNTY, ARIZONA
CONCEPTUAL LAND USE EXHIBIT

CMX PROJ: 7025
DATE: 2-27-04
SCALE: N.T.S.
DRAWN BY: CG
CHECKED BY: TP
U:\7000\7025\Exhibits\open-space-plan.dwg 02-27-2004 - B:Odum

EXHIBIT F

PINAL COUNTY
STATE OF ARIZONA

BEFORE THE PINAL COUNTY BOARD OF SUPERVISORS

NOTICE TO APPLICANT

CASE NO: PZ-003-04 *PZ - PD - 003 - 04*

You should be present (or be represented) at the public hearing for your application before the Pinal County Board of Supervisors. The time, date and place of the hearing are listed below. IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE BOARD OF SUPERVISORS OFFICE AT (520) 868-6211.

PLEASE REMOVE THE POSTERS FROM SUBJECT PROPERTY AFTER THE DATE OF HEARING.



Dennis R. Rittenback, Deputy Director
Planning & Development Services

TIME: 9:30 A.M.

DATE: APRIL 21, 2004

PLACE: Board of Supervisors Hearing Room
Building A
Florence, Arizona

A copy of the Board of Supervisors staff report is attached for your review.

STAFF REPORT SUMMARY - BOS

MEETING DATE: April 21, 2004

CASE NO.: PZ-003-04 & PZ-PD-003-04

APPLICANT: Mesquite 640, LLC, Harold Christ, landowner/applicant, 6140 S Kings Ranch Road, Gold Canyon, AZ 85218.

LOCATION: The subject property is located at the southeast corner of East Heritage and Felix Roads. Arizona Farms PAD is adjacent to the North.

REQUESTED ACTION & PURPOSE (PZ-003-04): The applicant is requesting approval of a zone change from CR-1 (232 acres), CR-2 (157.5 acres), and CR-3 (115.5 acres) Single Residence Zones, CB-1 (20 acres) Local Business Zone, and SR (115 acres) Suburban Ranch Zone to (CR-3) Single Residence Zone (622.2± acres) and (CB-1) Local Business Zone (15.0± acres), for a total of 2,178 lots on a 637.2± acre parcel to amend the existing Mesquite Grove Master Planned Community (PZ-PD-002-99).

REQUESTED ACTION & PURPOSE (PZ-PD-003-04): The applicant is requesting approval of a Planned Area Development (PAD) Overlay District on a 637.2± acre parcel for 2,178 lots to amend the existing Mesquite Grove Master Planned Community (PZ-PD-002-99); pending and in conjunction with Board of Supervisors zone change approval under Planning Case (PZ-003-04).

STAFF SUMMARY AND RECOMMENDATION TO THE COMMISSION:

All submittals, evidence presented, written documentation, public testimony and staff report(s) are considered part of the record in this planning case. Based upon the Planning Director's review of the application, exhibits received in evidence, a staff visit to the subject property and the **ATTACHED STAFF REPORT**, staff recommends that the Commission forward PZ-003-04 to the Board of Supervisors with a favorable recommendation with stipulations of understanding.

STAFF SUMMARY AND RECOMMENDATION TO THE COMMISSION:

All submittals, evidence presented, written documentation, public testimony and staff report(s) are considered part of the record in this planning case. Based upon the Planning Director's review of the application, exhibits received in evidence, a staff visit to the subject property and the **ATTACHED STAFF REPORT**, staff recommends that the Commission forward PZ-PD-003-04 to the Board of Supervisors with a favorable recommendation with stipulations.

COMMISSION ACTION/RECOMMENDATION:

The Commission voted **UNANIMOUSLY** to recommend **APPROVAL** of PZ-003-04 based upon the record as presented with the **NINE (9) STIPULATIONS OF UNDERSTANDING ATTACHED**.

COMMISSION ACTION/RECOMMENDATION:

The Commission voted **UNANIMOUSLY** to recommend **APPROVAL** of PZ-PD-003-04 based upon the record as presented with the **TWENTY FOUR (24) STIPULATIONS ATTACHED**.

CASE NO. PZ-003-04

STIPULATIONS OF UNDERSTANDING

- 1) The applicant/landowner, at the time of development application [Mesquite Grove subdivision(s)], shall submit and secure all required applications, plans, supporting document submittals, approvals and permits from the applicable and appropriate Federal, State, County & Local regulatory agencies;
- 2) the property is to be developed with an approved Planned Area Development (PAD) (PZ-PD-003-04), in accordance with the applicable criteria set forth in Article 33 of the Pinal County Zoning Ordinance and the applicant's submittal documents;
- 3) the applicant/landowner, grant and record an agricultural spray easement to all adjacent farm owners/operators; include in the CC&R's references to the recorded agricultural spray easement and reference the agricultural spray easement on the face of the final plat(s) in the NOTE SECTION;
- 4) submit three copies of an independent current Traffic Impact Analysis to the Pinal County Engineer for review and approval;
- 5) Provide two copies of a grading and drainage plan for the site. The plan shall provide retention for the 100-year, 1-hour storm waters in a common retention area to be maintained by the homeowner's;
- 6) All public roadway and infrastructure improvements shall be in accordance with the current Pinal County standards, and recommended by the Traffic Impact Analysis, or as approved by the County;
- 7) provide a minimum of 55' of public right-of-way for the East side of Felix Road, West side of Cooper Road, South side of Heritage Road, and North side of Hiller Road. ;
- 8) Submit an A.L.T.A. - type survey with Tentative Plat application; and
- 9) at the time of final zone change/Planned Area Development (PAD) approval by the Board of Supervisors, the applicant/owner shall contribute \$30.00 per lot for the proposed 2,178 residential lots, based upon the Superstition Valley Transportation Study.

CASE NO. PZ-PD-003-04

STIPULATIONS

- 1) approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors zone change approval as set forth in Planning Case PZ-003-04;
- 2) a minimum of 93.3 acres (15%) acres will be devoted to open space within the Mesquite Grove Master Planned Community.
- 3) the applicant/landowner, at the time of development application (Mesquite Grove subdivision(s)), shall submit and secure all required applications, plans, supporting document submittals, approvals and permits from the applicable and appropriate Federal, State, County & Local regulatory agencies;
- 4) prior to final plat approval, the applicant/landowner shall provide written verification from the Florence School District that applicable school concerns/issues have been resolved to the satisfaction of the District;
- 5) the applicant/landowner shall ensure a minimum of fifteen percent (15%) of the residential zoned portion of Mesquite Grove Master Planned Community remains in open space;
- 6) the CC&R's, Real Estate Report, and NOTES SECTION of the Final Plat for each subdivision will include the following:
 - the landowner(s) will provide an Agricultural Spray Easement to surrounding agricultural property owners;
 - no schools or day care centers to be located within (1/4) one-quarter mile of land in agricultural production requiring aerial spraying. (PLACE IN NOTE SECTION ON FACE OF FINAL PLAT);
 - the adjacent State Land may be developed for any purpose in the future.
- 7) granting of this Planned Area Development (PAD) Overlay District request will require, at the time of application for development [Mesquite Grove subdivision(s)], that the applicant/landowner submit and secure from the applicable and appropriate Federal, State, County & Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals including, but not limited to zone change approval, PAD overlay district approval, subdivision, planning clearance, building, grading, paving, drainage, landscaping, walls/fencing, signage, lighting, sanitation, water supply, public/private utilities, retention/detention, access, road dedication, regional road improvements, air quality, and fire suppression;

- 8) All peripheral road and infrastructure improvements shall be per the approved traffic study or as approved by the Pinal County Engineer, to include construction of acceleration/deceleration lanes and left turn pockets on all peripheral roadways.
- 9) The approved drainage plan shall provide retention for the 100-year, 1-hour storm waters in a common retention area. Individual grading and drainage plans for each parcel shall be submitted to the Pinal County Engineer for review and approval.
- 10) An association, including all property owners in the development will be formed and have the responsibility for maintaining all common areas to be noted as "tracts" or easements (including landscaped areas, street lights, and drainage facilities) in accordance with approved plans;
- 11) All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
- 12) Provide curb, gutter, sidewalk (recommend sidewalk on both sides), paving and incidentals on all interior local and collector streets;
- 13) Provide a 33' x 33' right-of-way sight visibility triangle easement at all streets which intersect with the peripheral streets;
- 14) The minimum paving widths for all local public streets within this development to be 32' (back of curb to back-of-curb) constructed within 50' of right-of-way. All minor collector streets to be constructed 40' (back-of-curb to back-of-curb) within 60' of right-of-way. All major collector streets to be 48' (back-of-curb to back-of-curb) within 80' of right-of-way as approved by the County Engineer. Pavement structure shall be per Pinal County Subdivision Standard and as recommended by the Geotechnical Report and as approved by the County Engineer;
 - d. The minimum paving width for Felix Road, Heritage Road, Hiller Road and Cooper Road to be 37.5' (center line to back-of-curb) with a structural section of 10" of Class 1 aggregate base and 4" of asphalt concrete within 55' of half street right-of-way along the entire subdivision boundary, per the approved Traffic Impact Analysis or as approved by the Pinal County Engineer. Pavement structure shall be per Pinal County Subdivision Standard and recommended by the Geotechnical Report and approved by the County Engineer.
- 15) The final plats shall include a statement to the effect that the stormwater retention volumes required by the drainage ordinance have been met and that the overall gross retention/detention volumes will not be changed without prior County approval;
- 16) Prior to recordation of the final plats, the developer shall name in a letter to the

Department of Public Works, a civil engineer licensed in the State of Arizona who will assume the responsibilities of engineer of record;

- 17) Provide conduit and junction boxes at all road intersections, where traffic signals are required by the approved traffic study. Funds in escrow shall be posted with Pinal County in an amount and manner satisfactory to both parties, prior to final plat approval to guarantee the installation of the required traffic signals.
- 18) A 1' vehicular non-access easement shall be dedicated on all lots adjacent to or backing up to any tract, drainage feature, and arterial or collector street as required by the County Engineer;
- 19) This subdivision shall be tied into two section corners as designated by the Pinal County Engineer;
- 20) At the time of final plat approval for all phases by the Board of Supervisors, a paved secondary access to all parcels shall be provided.
- 21) prior to final subdivision approval (initial plat), the applicant/developer/owner shall provide written verification from the wastewater/sewage disposal provider together with associated documentation, that:
 - a. The wastewater/sewage disposal provider has adequate capacity for collection, treatment and disposal of wastewater for the subdivision(s).
 - b. The subdivision(s) boundaries are located within a service area designated with an approved **CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**.
 - c. The wastewater plan for the proposed subdivision(s) is in conformance with the **CERTIFIED AREAWIDE WATER QUALITY MANAGEMENT (208) PLAN**.
- 22) on all lots the developer shall ensure homebuilders can fit within the building envelope including any bay windows, fireplaces, etc. and still meet the requested setbacks on the reduced lots;
- 23) approval of this PAD request will allow the applicant to have construction trailer(s), model complexes, sales office(s) and parking for each; and,
- 24) should the requested Mesquite Grove subdivision(s) not commence within 18 months of the Pinal County Board of Supervisors approval of this Planned Area Development (PAD) Overlay District, the Board may schedule a public hearing to grant an extension, determine compliance with the schedule of development, or cause the property to revert to its former zoning classification.

PLANNING & ZONING COMMISSION MINUTES - MARCH 18, 2004 Page 21

PZ-003-04 - PUBLIC HEARING/ACTION: Mesquite 640, LLC, Harold Christ, applicant, Felix 640 Association, Ltd., Pship, c/o Jeff Becker, owner, requesting approval of an amendment to the Planned Area Development (PAD) Overlay District, (PZ-PD-002-99), by requesting a zone change from CR-1 PAD, CR-2 PAD, CR-3 PAD, Single Residence Zones, SR PAD, Suburban Ranch Zone and CB-1 PAD, Local Business Zone to CR-3, Single Residence Zone (622.2± acres) and CB-1, Local Business Zone (15± acres) on a 637.2± acre parcel to plan & develop the 2,178 lot, mixed use, Mesquite Grove Master Planned Community; described in Section 8, T4S, R9E, G&SRB&M Tax Parcel 200-69-001A (Arizona Farms Area).

PZ-PD-003-04 - PUBLIC HEARING/ACTION: Mesquite 640, LLC, Harold Christ, applicant, Felix 640 Association, Ltd., Pship, c/o Jeff Becker, owner, requesting approval of an amendment to the Planned Area Development (PAD) Overlay District, (PZ-PD-002-99), by requesting a zone change from CR-1 PAD, CR-2 PAD, CR-3 PAD, Single Residence Zones, SR PAD, Suburban Ranch Zone and CB-1 PAD, Local Business Zone to CR-3, Single Residence Zone (622.2± acres) and CB-1, Local Business Zone (15± acres) on a 637.2± acre parcel to plan & develop the 2,178 lot, mixed use, Mesquite Grove Master Planned Community; described in Section 8, T4S, R9E, G&SRB&M Tax Parcel 200-69-001A (Arizona Farms Area).

Mr. Rittenback stated that this is to develop a 630 acre parcel. He read the history of this case. Staff's recommendation on the zoning case would be to send forward with 9 stipulations and the PAD to be sent forward for 24 stipulations. The applicant is present.

Mr. Christ, applicant, discussed the cases. This property adjoins a masterplanned community that the Commission has approved called Arizona Farms. They have had conversations with the school district and is presently involved in building a school for Florence in the Copper Basin district. We agree with all the stipulations for both cases.

Commissioner Harlan stated that he does not agree with the way the open space or density is calculated.

Motion by Commissioner Harlan, seconded by Commissioner Kenyon to forward PZ-003-04 with 9 stipulations to the Board of Supervisors with a favorable recommendation. Unanimously approved.

Motion by Commissioner Harlan, seconded by Commissioner Kenyon to forward PZ-PD-003-04 with 24 stipulations to the Board of Supervisors with a favorable recommendation. Unanimously approved.

TO: PINAL COUNTY BOARD OF SUPERVISORS

MEETING DATE: April 21, 2004

CASE NOS.: PZ-003-04 & PZ-PD-003-04

LEGAL DESCRIPTION: A 637.2± acre parcel described as Section 8, T4S, R9E, G&SRB&M (legal on file).

TAX PARCEL #: 200-69-001A

APPLICANT: Mesquite 640, LLC, Harold Christ, landowner/applicant, 6140 S Kings Ranch Road, Gold Canyon, AZ 85218.

REQUESTED ACTION & PURPOSE (PZ-003-04): The applicant is requesting approval of a zone change from CR-1 (232 acres), CR-2 (157.5 acres), and CR-3 (115.5 acres) Single Residence Zones, CB-1 (20 acres) Local Business Zone, and SR (115 acres) Suburban Ranch Zone to (CR-3) Single Residence Zone (622.2± acres) and (CB-1) Local Business Zone (15.0± acres), for a total of 2,178 lots on a 637.2± acre parcel to amend the existing Mesquite Grove Master Planned Community (PZ-PD-002-99).

REQUESTED ACTION & PURPOSE (PZ-PD-003-04): The applicant is requesting approval of a Planned Area Development (PAD) Overlay District on a 637.2± acre parcel for 2,178 lots to amend the existing Mesquite Grove Master Planned Community (PZ-PD-002-99); pending and in conjunction with Board of Supervisors zone change approval under Planning Case (PZ-003-04).

LOCATION: The subject property is located at the southeast corner of East Heritage and Felix Roads. Arizona Farms PAD is adjacent to the North.

SIZE: 637.2± acre parcel

EXISTING ZONING AND LAND USE: Planned Area Development Vacant

SURROUNDING ZONING AND LAND USES:

North:	Arizona Farms PAD	Vacant
South:	Merrill Estates	Vacant (Town of Florence)
East:	State Land	Vacant
West:	Arizona Farms PAD	Vacant
	Wildhorse Estates MH	MFG Housing

FINDINGS:

Site data:

Floodzone:	"C" area of minimal flood hazard.
Fire Protection:	Rural Metro Fire District
Utilities:	Can be made available to the Site
Access:	Access will be from Felix Road.

PZ-003-04 & PZ-PD-003-04 - STAFF REPORT - BOS - April 21, 2004

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HISTORY: The subject property, known as Mesquite Grove PAD, was rezoned from (GR) General Rural Zone to a Planned Area Development Master Planned Community by the Board of Supervisors with planning cases PZ-002-99/PZ-PD-002-99 on June 14, 1999. The zoning classifications and layout from 1999 are not conducive to today's development needs; therefore, the current owner wishes to amend the zoning to reflect today's needs.

ANALYSIS: The applicant/landowner is requesting approval of a zone change (PZ-003-04) from CR-1, CR-2, and CR-3 Single Residence Zones to (CR-3) Single Residence Zone (622.2± acres) and (CB-1) Local Business Zone (15.0± acres), for 2,178 lots on 637.2± acres to amend the Mesquite Grove PAD Master Planned Community. The applicant/developer is requesting approval of this Planned Area Development (PAD) Overlay District (PZ-PD-003-04), pending and in conjunction with Board of Supervisors zone change approval under Planning Case PZ-003-04.

The zone change case (PZ-003-04) will require Board of Supervisor review and decision prior to review and decision by the Board on the Planned Area Development (PAD) case (PZ-PD-003-04).

The subject property has an Urban Land Use designation in the Pinal County Comprehensive Plan with the requested land use being consistent with this land use and the goals and policies of the Pinal County Comprehensive Plan.

To date, no written comments in favor and or opposition have been received from those property owners notified within 300 feet of the subject property.

The **PINAL COUNTY PUBLIC WORKS DEPARTMENT** provided stipulations which are included. A copy of the memo with stipulations is included as a part of this Staff Report.

The **PINAL COUNTY AIR QUALITY CONTROL DISTRICT** provided the following information: 1) Provide paved arterial access back to the nearest existing paved arterial roadway system. 2) Provide paved interior streets. 3) Provide paved drives and parking areas for all industrial, commercial, and high-density residential development.

At the public hearing, the Commission needs to be satisfied that the health, safety and welfare of the County and adjacent properties will not be negatively impacted by this amendment to the Mesquite Grove Master Planned Community. The Commission must determine this request for a zone change and Planned Area Development (PAD) Overlay will promote the orderly growth and development of the County, at this location and time, and this proposed amendment is compatible and consistent with the applicable residential goals and policies of the Pinal County Comprehensive Plan.

THE BURDEN OF PROOF IS UPON THE APPLICANT TO PROVIDE THE NECESSARY AND REQUIRED INFORMATION AT THE PUBLIC HEARING.

STAFF SUMMARY: The applicant has submitted the proper application and evidence sufficient to warrant a staff recommendation as provided in the Ordinance. Staff provides the following findings together with the findings on page 1 of this staff report:

1. The applicant/landowner is requesting approval of a zone change (PZ-003-04) from CR-1 (232 acres), CR-2 (157.5 acres), and CR-3 (115.5 acres) Single Residence Zones, CB-1 (20 acres) Local Business Zone, and SR (115 acres) Suburban Ranch Zone to (CR-3) Single Residence Zone (622.2± acres) and (CB-1) Local Business Zone (15.0± acres), for a total of 2,178 lots on 637.2± acres to amend a portion of the Mesquite Grove PAD Master Planned Community.
2. The subject property has an Urban Land Use designation in the Pinal County Comprehensive Plan with the requested land use being consistent with this land use and meets the goals and policies of the Pinal County Comprehensive Plan.
3. The zone change portion of this request must be approved by the Board of Supervisors in order for the Planned Area Development (PAD) portion to continue.
4. The applicant/landowner will need to provide a Preliminary Master Drainage and Stormwater Management Plan for the subject property.
5. The existing and proposed perimeter/interior streets will be built to Pinal County pavement standards.
6. The value of the adjacent property should not be adversely affected by this proposed zone change and proposed Planned Area Development (PAD).
7. Mesquite Grove Master Planned Community will have access to public streets.
8. Mesquite Grove Master Planned Community will be serviced by utility facilities and services.
9. To date, no comments in favor or opposition have been received from those property owners notified within 300' of the subject property.
10. The 637.2.0± acre parcel known as the Mesquite Grove Master Planned Community is being processed in accordance with the applicable criteria set forth in Article 33 of the Pinal County Zoning Ordinance.
11. A copy of all Agencies notified of this land use rezone request is included in the correspondence section of the staff report.
12. A minimum of 93.3 acres (15%) acres will be devoted to open space within the Mesquite Grove Master Planned Community.
13. Granting of the zone change and Planned Area Development (PAD) Overlay District request will require, at the time of application for development [Mesquite Grove subdivision(s)], that the applicant/landowner submit and secure from the applicable and appropriate Federal, State, County & Local regulatory agencies, all applications, plans, permits, supporting documentation submittals and approvals including but not limited to zone change approval, PAD overlay district, subdivision, planning clearance, building, grading, paving, drainage, landscaping, walls/fencing, signage,

lighting, sanitation, water supply, public/private utilities, retention/detention, access, road dedication, regional road improvements, air quality and fire suppression.

STAFF RECOMMENDATION (PZ-003-04): Should the Commission find, after the presentation of the applicant, together with testimony and evidence presented at the public hearing, that this zone change request for 637.2± acres for a total of 2,178 lots to amend the Mesquite Grove Master Planned Community is needed and necessary at this location and time, will not negatively impact adjacent properties, will promote the orderly growth and development of the County and will be compatible and consistent with the applicable residential goals and policies of the Pinal County Comprehensive Plan, then staff recommends the Commission forward PZ-003-04 to the Board of Supervisors with a favorable recommendation with the following stipulations. If the Commission cannot find for these factors listed above, then staff recommends the Commission forward this case to the Board of Supervisors with a recommendation of denial.

- 1) The applicant/landowner, at the time of development application [Mesquite Grove subdivision(s)], shall submit and secure all required applications, plans, supporting document submittals, approvals and permits from the applicable and appropriate Federal, State, County & Local regulatory agencies;
- 2) the property is to be developed with an approved Planned Area Development (PAD) (PZ-PD-003-04), in accordance with the applicable criteria set forth in Article 33 of the Pinal County Zoning Ordinance and the applicant's submittal documents;
- 3) the applicant/landowner, grant and record an agricultural spray easement to all adjacent farm owners/operators; include in the CC&R's references to the recorded agricultural spray easement and reference the agricultural spray easement on the face of the final plat(s) in the **NOTE SECTION**;
- 4) submit three copies of an independent current Traffic Impact Analysis to the Pinal County Engineer for review and approval;
- 5) Provide two copies of a grading and drainage plan for the site. The plan shall provide retention for the 100-year, 1-hour storm waters in a common retention area to be maintained by the homeowner's;
- 6) All public roadway and infrastructure improvements shall be in accordance with the current Pinal County standards, and recommended by the Traffic Impact Analysis, or as approved by the County;
- 7) provide a minimum of 55' of public right-of-way for the East side of Felix Road, West side of Cooper Road, South side of Heritage Road, and North side of Hiller Road. ;
- 8) Submit an A.L.T.A. - type survey with Tentative Plat application; and
- 9) at the time of final zone change/Planned Area Development (PAD) approval by the Board of Supervisors, the applicant/owner shall contribute \$30.00 per lot for the proposed 2,178 residential lots, based upon the Superstition Valley Transportation Study.

STAFF RECOMMENDATION: (PZ-PD-003-04): Should the Commission find, after the presentation of the applicant together with the testimony and evidence presented at the public hearing, that the amendment of this Planned Area Development (PAD) Overlay District request, **PENDING AND IN CONJUNCTION WITH BOARD OF SUPERVISORS ZONE CHANGE APPROVAL UNDER PLANNING CASE (PZ-003-04)**, is needed and necessary at this location and time, will not negatively impact adjacent properties, will promote the orderly growth and development of the County and will be consistent with the applicable residential goals and policies of the Pinal County Comprehensive Plan, then staff recommends the Commission forward PZ-PD-003-04 to the Board of Supervisors with a favorable recommendation with the following stipulations:

- 1) approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors zone change approval as set forth in Planning Case PZ-003-04;
- 2) a minimum of 93.3 acres (15%) acres will be devoted to open space within the Mesquite Grove Master Planned Community.
- 3) the applicant/landowner, at the time of development application (Mesquite Grove subdivision(s)), shall submit and secure all required applications, plans, supporting document submittals, approvals and permits from the applicable and appropriate Federal, State, County & Local regulatory agencies;
- 4) prior to final plat approval, the applicant/landowner shall provide written verification from the Florence School District that applicable school concerns/issues have been resolved to the satisfaction of the District;
- 5) the applicant/landowner shall ensure a minimum of fifteen percent (15%) of the residential zoned portion of Mesquite Grove Master Planned Community remains in open space;
- 6) the CC&R's, Real Estate Report, and NOTES SECTION of the Final Plat for each subdivision will include the following:
 - the landowner(s) will provide an Agricultural Spray Easement to surrounding agricultural property owners;
 - no schools or day care centers to be located within (1/4) one-quarter mile of land in agricultural production requiring aerial spraying. (PLACE IN NOTE SECTION ON FACE OF FINAL PLAT);
 - the adjacent State Land may be developed for any purpose in the future.
- 7) granting of this Planned Area Development (PAD) Overlay District request will require, at the time of application for development [Mesquite Grove subdivision(s)], that the applicant/landowner submit and secure from the applicable and appropriate Federal, State, County & Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals including, but not limited to zone change approval, PAD overlay district approval, subdivision, planning clearance, building, grading, paving, drainage, landscaping, walls/fencing, signage, lighting, sanitation, water supply, public/private utilities, retention/detention, access, road

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dedication, regional road improvements, air quality, and fire suppression;

- 8) All peripheral road and infrastructure improvements shall be per the approved traffic study or as approved by the Pinal County Engineer, to include construction of acceleration/deceleration lanes and left turn pockets on all peripheral roadways.
- 9) The approved drainage plan shall provide retention for the 100-year, 1-hour storm waters in a common retention area. Individual grading and drainage plans for each parcel shall be submitted to the Pinal County Engineer for review and approval.
- 10) An association, including all property owners in the development will be formed and have the responsibility for maintaining all common areas to be noted as "tracts" or easements (including landscaped areas, street lights, and drainage facilities) in accordance with approved plans;
- 11) All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
- 12) Provide curb, gutter, sidewalk (recommend sidewalk on both sides), paving and incidentals on all interior local and collector streets;
- 13) Provide a 33' x 33' right-of-way sight visibility triangle easement at all streets which intersect with the peripheral streets;
- 14) The minimum paving widths for all local public streets within this development to be 32' (back of curb to back-of-curb) constructed within 50' of right-of-way. All minor collector streets to be constructed 40' (back-of-curb to back-of-curb) within 60' of right-of-way. All major collector streets to be 48' (back-of-curb to back-of-curb) within 80' of right-of-way as approved by the County Engineer. Pavement structure shall be per Pinal County Subdivision Standard and as recommended by the Geotechnical Report and as approved by the County Engineer;
 - d. The minimum paving width for Felix Road, Heritage Road, Hiller Road and Cooper Road to be 37.5' (center line to back-of-curb) with a structural section of 10" of Class 1 aggregate base and 4" of asphalt concrete within 55' of half street right-of-way along the entire subdivision boundary, per the approved Traffic Impact Analysis or as approved by the Pinal County Engineer. Pavement structure shall be per Pinal County Subdivision Standard and recommended by the Geotechnical Report and approved by the County Engineer.
- 15) The final plats shall include a statement to the effect that the stormwater retention volumes required by the drainage ordinance have been met and that the overall gross retention/detention volumes will not be changed without prior County approval;

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- 16) Prior to recordation of the final plats, the developer shall name in a letter to the Department of Public Works, a civil engineer licensed in the State of Arizona who will assume the responsibilities of engineer of record;
- 17) Provide conduit and junction boxes at all road intersections, where traffic signals are required by the approved traffic study. Funds in escrow shall be posted with Pinal County in an amount and manner satisfactory to both parties, prior to final plat approval to guarantee the installation of the required traffic signals.
- 18) A 1' vehicular non-access easement shall be dedicated on all lots adjacent to or backing up to any tract, drainage feature, and arterial or collector street as required by the County Engineer;
- 19) This subdivision shall be tied into two section corners as designated by the Pinal County Engineer;
- 20) At the time of final plat approval for all phases by the Board of Supervisors, a paved secondary access to all parcels shall be provided.
- 21) prior to final subdivision approval (initial plat), the applicant/developer/owner shall provide written verification from the wastewater/sewage disposal provider together with associated documentation, that:
 - a. The wastewater/sewage disposal provider has adequate capacity for collection, treatment and disposal of wastewater for the subdivision(s).
 - b. The subdivision(s) boundaries are located within a service area designated with an approved **CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**.
 - c. The wastewater plan for the proposed subdivision(s) is in conformance with the **CERTIFIED AREAWIDE WATER QUALITY MANAGEMENT (208) PLAN**.
- 22) on all lots the developer shall ensure homebuilders can fit within the building envelope including any bay windows, fireplaces, etc. and still meet the requested setbacks on the reduced lots;
- 23) approval of this PAD request will allow the applicant to have construction trailer(s), model complexes, sales office(s) and parking for each; and,
- 24) should the requested Mesquite Grove subdivision(s) not commence within 18 months of the Pinal County Board of Supervisors approval of this Planned Area Development (PAD) Overlay District, the Board may schedule a public hearing to grant an extension, determine compliance with the schedule of development, or cause the property to revert to its former zoning classification.

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COMMISSION ACTION: After discussion with the applicant, staff, and the Commission, together with evidence and no public testimony presented at the hearing, the Commission voted **UNANIMOUSLY** to forward PZ-003-04 to the Board of Supervisors with a favorable recommendation with staff's **NINE (9)** recommended stipulations of understanding.

COMMISSION ACTION: After discussion with the applicant, staff, and the Commission, together with evidence and no public testimony presented at the hearing, the Commission voted **UNANIMOUSLY** to forward PZ-PD-003-04 to the Board of Supervisors with a favorable recommendation with staff's **TWENTY-FOUR (24)** recommended stipulations.

DATE PREPARED: 3/9/04

REVISED: 4/12/04

STAFFRPT.PZPZ-PZPD00304.BOS

EXHIBIT G



PLANNING & DEVELOPMENT SERVICES

PLANNING-ZONING-ADDRESSING-ENFORCEMENT

DAVID KUHL, A.L.C.P.
Planning Director

May 7, 2004

Mr. Douglas T. Oberg, P.E.
Vice-President
Aspen Enterprises, LLC
2415 E Camelback Ste 900
Phoenix, AZ 85016

Subject: Arizona Farms Master Planned Community
PZ-039-98/PZ-PD-039-98

Dear Mr. Oberg:

This letter is in response to your inquiry to the Planning and Development Department regarding the allowed density for Section 4, T4S, R9E consisting of parcel Nos. 200-63-019 & 200-63-020. After researching the Development Agreement and the Development Plan, it has been determined 2,155 lots will be allowed on these parcels.

As stated in the Development Plan, it was also determined the minimum lot size for single family will be 4,950 square feet with a 45' minimum lot width.

As a requirement of a Planned Area Development (PAD), a minimum of 15% of the acreage must be incorporated into the open space in the layout of this parcel(section) of Arizona Farms.

Copies of the following documents are attached:

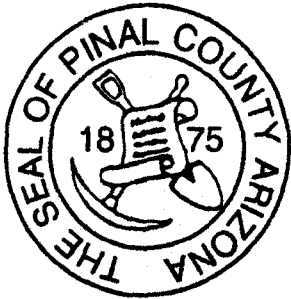
- 1) Resolution No. 110100-AF: Development Agreement for this project which was recorded on November 3, 2000. Of Special significance is Exhibit C which states Baxter 602, LLC consists of 602 acres for a total of 2,155 lots with a density of 3.58 du/ac.
- 2) Planned Area Development Narrative Report dated September 4, 1998.

Should you need additional information, do not hesitate contacting department personnel.

Sincerely,

Dennis R. Rittenback, Deputy Director

cc: Bonnie D. Bariola
Trails/Olberg5-7-04



PLANNING & DEVELOPMENT SERVICES

PLANNING-ZONING-ADDRESSING-ENFORCEMENT

DAVID KUHL, A.I.C.P.
Planning Director

May 7, 2004

Mr. Douglas T. Oberg, P.E.
Vice-President
Aspen Enterprises, LLC
2415 E Camelback Ste 900
Phoenix, AZ 85016

Subject: Arizona Farms Master Planned Community
PZ-039-98/PZ-PD-039-98

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Trails/Olberg5-7-04